



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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February 28, 2023

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TO: CELIA ZAVALA
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ADRIENNE M. BYERS
Litigation Cost Manager
Executive Office

A handwritten signature in blue ink, appearing to read "AMB", is written over the name "ADRIENNE M. BYERS".

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Ewnetu Zelalem Eshetu, Estate of, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No.: BC702015

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached is the Case Summary and the Summary Corrective Action to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action be placed on the Board of Supervisors' agenda.

AMB:jkb

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Ewnetu Zelalem Eshetu, Estate of, et al. v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC702015, in the amount of \$750,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This wrongful death lawsuit against the Sheriff's Department arises from the fatal shooting of plaintiff's son.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Ewnetu, Zelalem Eshetu, Estate of v. County of Los Angeles, et al.
CASE NUMBER	BC702015
COURT	Los Angeles County Superior Court
DATE FILED	April 12, 2017
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ \$750,000
ATTORNEY FOR PLAINTIFF	Justin A. Palmer. Esq.
COUNTY COUNSEL ATTORNEY	Minas Samuelian Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$750,000 inclusive of attorneys' fees and costs, a lawsuit filed by the mother of Zelalem Eshetu Ewnetu against the County alleging civil rights violations and wrongful death following the death of Mr. Ewnetu.</p> <p>Given the high risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. The full and final settlement of the case in the amount of \$750,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 376,720.42
PAID COSTS, TO DATE	\$ 42,596.70



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	April 12, 2017, at approximately, 1:14 a.m.
Briefly provide a description of the incident/event:	<p><u>Estate of Zelalem Ewnetu v. County of Los Angeles, et al.</u> Summary Corrective Action Plan 2022-42</p> <p>On April 12, 2017, at approximately 1:07 a.m., two on-duty Los Angeles County Sheriff's Department deputy sheriffs, assigned to Century Station, were dispatched a call for service (possible automobile burglary) in the unincorporated area of Los Angeles. The informant indicated an unknown male, in an unknown vehicle, opened the trunk of a 2003 Honda</p> <p>As deputies one (driver) and two (passenger) arrived at the location, they observed an unoccupied Honda with the trunk open. The vehicle description was consistent with the information relayed in the call for service.</p> <p>Deputies one and two saw a 2016, black, Kia Forte parked in the north/south alley. The vehicle's engine was on, and the brake lights were illuminated. The deputies believed the vehicle might be connected to the possible automobile burglary. The deputies drove south through the alley and parked behind the vehicle.</p> <p>As deputies one and two approached the vehicle, they saw the vehicle's windows were rolled up and had a dark tint. Additionally, they smelled the odor of marijuana emitting from the vehicle.</p> <p>Deputy one approached the driver's side of the vehicle and tapped on the closed window with his flashlight. The decedent rolled down his window approximately two inches and a plume of smoke (a strong odor of marijuana) was emitting from the interior of the vehicle. Deputy one advised the decedent it was illegal to smoke marijuana while operating a vehicle and his vehicle is blocking the ally. The decedent replied, "I can smoke marijuana wherever I want." Deputy one instructed the decedent to roll down his window further. The decedent rolled down the driver's side window another four inches which allowed deputy one to see his hands.</p> <p>As deputy two approached the passenger's side of the vehicle, he observed the passenger window was rolled down approximately five to six inches. Deputy two smelled a strong odor of burnt marijuana emitting from the vehicle. He additionally saw the decedent was the sole occupant in the vehicle (the decedent was holding a cigarette and a cellular phone in his hands).</p> <p>Deputy two instructed the decedent to roll down the front passenger window. The decedent became agitated and questioned why he was being stopped. Deputy two again asked the decedent to roll down the front passenger side window and to keep his hands on the steering wheel.</p>

	<p>The decedent replied, "Fuck you! I am not putting my hands anywhere." The decedent was loud, uncooperative, and made erratic movements with his hands. The decedent then placed his cellular phone down and moved his hands towards the gear shift.</p> <p>Deputy one ordered the decedent to exit the vehicle to further investigate the source of the marijuana.</p> <p>Deputy two reached through the vehicle's partially open passenger's side window to unlock the door. The decedent rolled the passenger's side window up, and trapped deputy two's arm between the window and window frame. Deputy two pulled his arm free and was able to unlock the passenger's side door. Deputy two reached into the vehicle and turned the vehicle off. Deputy two took the keys out of the ignition and placed them on the roof of the decedent's vehicle.</p> <p>The decedent unlocked the driver's door. Deputy one opened the driver's door and placed his hand on the decedent's left arm to guide him out of the vehicle. The decedent suddenly jerked his arm away from deputy one and turned his upper body to the right, causing his back to face deputy one. The decedent reached into the backseat of his vehicle through the two front seats.</p> <p>Deputy two ordered the decedent to show him his hands. The decedent ignored deputy two's order and armed himself with a .40 caliber semi-automatic firearm. The decedent appeared to rack the slide of the firearm while deputy two yelled, "Gun! Gun! Gun!" Deputy one retreated to the rear of the decedent's vehicle.</p> <p>Fearing the decedent was going to kill him or deputy one, deputy two drew his service weapon and fired a volley of rounds at the decedent. Deputy one immediately retreated towards the rear of the decedent's vehicle to avoid being shot.</p> <p>The decedent exited his vehicle and pointed his firearm at deputy one. Fearing he was about to be shot, deputy one fired a volley of rounds at the decedent. Simultaneously, deputy two saw the decedent turning the firearm towards deputy one. Fearing deputy one was about to be shot and killed, deputy two fired a second volley of rounds at the decedent.</p> <p>The decedent dropped his firearm (approximately one or two feet from his body) and fell face down with his hands concealed, underneath his body, near his waistband. Deputy one ordered the decedent to place his hands behind his back. Although the decedent was still moving, he did not comply with deputy ones' orders. The decedent's firearm was within arm's reach of the decedent. Deputy two broadcast emergent radio traffic regarding the deputy involved shooting.</p> <p>Deputy two aimed his service weapon at the decedent's body while Deputy one approached the decedent's firearm. Deputy one kicked the firearm towards their patrol vehicle. Both deputies retreated to their patrol vehicle, using the vehicle's doors as cover. The deputies held the decedent at gunpoint until assisting units arrived.</p> <p>Additional deputies and a field sergeant arrived to assist deputies one and two. Believing the decedent might be armed with a second firearm, the field sergeant directed deputy three to deploy a less-lethal stun bag.</p>
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	<p>Deputy three fired two stun bag rounds at the decedent's lower extremities to gain his compliance. The decedent did not respond. An arrest team was formed and approached the decedent.</p> <p>Deputies discovered the decedent had no pulse and requested the Los Angeles County Fire Department respond to render medical aid to the decedent.</p> <p>Deputies performed CPR on the decedent until the arrival of Los Angeles County Fire Department paramedics (Engine #16). Despite the efforts of both deputies and paramedics, the decedent was pronounced deceased at 1:32 a.m.</p> <p>A command post and containment of the scene were established by assisting deputies. Deputies one and two were transported to Century Station pending interviews with Homicide investigators.</p> <p>At approximately 3:00 a.m. the handling Homicide investigators arrived at the command post and took control of the scene.</p> <p>At approximately 4:40 a.m., The Los Angeles County Sheriff's Department Crime Lab arrived at the location. The criminalist identified, marked, and photographed evidence and the scene. A black semi-automatic firearm was laying between the patrol vehicle and the decedent's vehicle.</p> <p>During the investigation, sixteen live .40 caliber rounds were located wrapped inside a white tissue paper inside the center console of the decedent's vehicle. Two containers of medicinal marijuana and a small, burned marijuana cigarette were also located inside the decedent's vehicle. Investigators determined the firearm was registered to the decedent.</p> <p>The Los Angeles County Coroner's Office investigator arrived at approximately 11:00 a.m. A thorough investigation was conducted. The decedent was transported to the Los Angeles County Coroner's Office.</p> <p>The decedent was hit with three rounds. One round exited and reentered the decedent's body, causing him to sustain four gunshot wounds. One round to the upper left back. A second round to the upper right arm. A third round to the upper right arm which exited and re-entered the right portion of his abdomen. Los Angeles County Coroner Medical Examiner, Dr. Ogonna Chinwah determined the decedent died from multiple gunshot wounds.</p> <p>A toxicology report showed the presence of marijuana in the decedent's system at the time of death.</p>
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

A **Department** root cause in this incident was deputy one and two used deadly force against the decedent, who was armed with a semi-automatic handgun.

A **Department** root cause in this incident was the deputies did not have equipment (Body-Worn Camera) to video record their contact with the decedent, to prove or disprove plaintiff's allegations.

A **non-Department** root cause in this incident was the decedent's failure to comply with lawful orders of the deputy sheriffs.

A **non-Department** root cause in this incident was the decedent pulled away from deputy one and armed himself with a handgun.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

Criminal investigation

The investigation was submitted to the Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office for consideration of filing criminal charges.

On September 20, 2017, the District Attorney's Office completed their review of the fatal shooting of the decedent by the deputies. It was concluded the deputies acted lawfully, and in self-defense.

Administrative Investigation

This incident was investigated by representatives of the Sheriff's Department Internal Affairs Bureau to determine if any administrative misconduct occurred before, during, or after this incident. The investigation results were presented to an Executive Force Review Committee (EFRC) for evaluation. On September 6, 2018, the EFRC determined the use of force and tactics were within Department policy.

Station Briefing

In the days following the incident, personnel were briefed on the events known at the time, based on information provided by Homicide investigators. Special attention was placed on officer safety (specifically reaching into vehicles), tactical preparedness, and lessons learned to assist deputies if they ever found themselves in a similar situation. Briefings occurred on all three shifts and were conducted by the field sergeants and watch commanders.

Station Body Worn Cameras

As of October 2020, all personnel assigned to Century Station were issued a Body-Worn Camera in an effort to ensure all public contact is transparent. The use of BWC's ensures reliable recording of enforcement and investigative contacts with the public. The Department established policy and procedures for the purpose, use, and deployment of the Department issued BWC:

3. Are the corrective actions addressing Department-wide system issues?

- ☐ Yes – The corrective actions address Department-wide system issues.
- ☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Shawnee N. Hinchman, Captain
Risk Management Bureau

Signature:



Date:

11/14/2022

Name: (Department Head)

Edwin E. Alvarez, Chief
Professional Standards Division

Signature:



Date:

11/15/22

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

- ☐ Yes, the corrective actions potentially have County-wide applicability.
- ☒ No, the corrective actions are applicable only to this Department.

Name: (Risk Management Inspector General)

Destiny Castro

Signature:



Date:

11/16/2022